

**NEW YORK GATEWAY  
CONNECTIONS IMPROVEMENT PROJECT  
TO THE US PEACE BRIDGE PLAZA**

**Draft Design Report/Environmental  
Impact Statement**

**Draft Section 4(f) Evaluation (49 USC 303)**

**APPENDIX J – PROJECT COORDINATION**

**PIN 5760.80  
City of Buffalo  
Erie County, New York**

**November 15, 2013**



U.S. Department of Transportation  
Federal Highway Administration



New York State  
Department of Transportation





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## 1.1. Introduction

Public involvement is an integral part of the transportation planning process. Accordingly, the goal of the public and agency involvement program for the New York Gateway Connections Project is to ensure open, collaborative, and meaningful public and agency participation throughout the environmental review process.

The public and agency participation efforts for this Project have been developed in compliance with legislation and policies that guide public involvement in Project development, including but not limited to the following:

- **National Environmental Policy Act of 1969 (NEPA)**, which requires federal agencies to conduct the environmental review process in coordination with the public and with other agencies;
- **State Environmental Quality Review Act (SEQRA)**, which requires New York State agencies to conduct the environmental review process in coordination with the public and with other agencies;
- **Moving Ahead for Progress in the 21st Century (MAP-21) of 2012**, the most recent federal transportation reauthorization law, which carries forward the public involvement principles of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005;
- **Section 106 of the National Historic Preservation Act (NHPA) of 1966**, which requires that federal agencies consider the effects of their undertakings on properties listed on or eligible for listing on the National Register of Historic Places, including consultation with the State Historic Preservation Officer, the Advisory Council on Historic Preservation, Tribal Government Organizations, and agencies, individuals, and organizations with a demonstrated interest in the Project and its potential effects on properties of historic interest.
- **Environmental Justice (Executive Order 12898 of 1994, 59 CFR Part 7629, February 16, 1994; 1997 USDOT Order 5610.2(a), May 2, 2012; FHWA Order 6640.23A, June 14, 2012)**, which require targeted outreach to environmental justice communities that may be impacted by a federal undertaking.
- **Title VI of the Civil Rights Act of 1964 and the Title VI regulations prohibiting discrimination based on national origin, and Executive Order 13166**. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency [LEP]," states that people with LEP should have meaningful access to federally conducted and federally funded programs and activities.
- **Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 and the New York State Eminent Domain Procedures Law**, which require public notification of actions that may result in the condemnation and/or acquisition of property, including targeted outreach to affected property owners.
- **Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966**, which requires coordination with agencies of jurisdiction for the potential use of properties protected under this Act; and





- **Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965**, which requires coordination with agencies of jurisdiction and the National Park Service for the potential conversion of parklands funded, in whole or in part, by this Act to non-park uses.

## **1.2. Public Involvement Activities**

To meet its commitment to an open, participatory environmental review process, the NY Gateway Connections Project has and will: continue to solicit early and continued feedback from the public and from agencies; encourage open discussion of Project details and issues; and provide opportunities for comments and questions. Opportunities for public input will occur throughout the Project and include those described below.

Major meetings were and will be advertised in local English and Spanish newspapers to ensure maximum public participation in the environmental review process.

### **1.2.1. Public Scoping Meeting**

The public scoping meeting was an early opportunity for the public to become directly involved with the development of Project alternatives and the environmental impact review process.

The meeting was held at D'Youville College in Buffalo on Tuesday, June 11, 2013, from 3:00 to 8:00 PM. The meeting included presentations as well as informational displays, and NYSDOT and FHWA representatives, as well as members of the Project consultant team, were on hand to explain the Project, answer questions, and receive comments from the public. Members of the public were able to provide written comments or dictate their comments to a stenographer on the scope of the Project and to suggest reasonable alternatives for consideration in the DEIS. Comments raised during the scoping comment period, which was extended to July 22, 2013, were responded to in the *Project Scoping Report*.

A Spanish-language translator and sign language interpreter were available at the meeting.

### **1.2.2. Public Information Meeting**

A public information meeting was held on October 15, 2013, from 4:00 to 7:00 PM, at the Connecticut Street Armory. The meeting included presentations (in English and Spanish) as well as informational displays (also in English and Spanish), and NYSDOT and FHWA representatives, as well as members of the Project consultant team, were on hand to explain the Project, answer questions, and receive comments from the public. Members of the public were able to provide written comments.

A Spanish-language translator and sign language interpreter were available at the meeting.

### **1.2.3. Other Stakeholder Meetings**

Meetings with stakeholders were and will continue to be held throughout the environmental review process. These included meetings with elected officials, representatives of municipal agencies, and





interested parties as appropriate. Meetings with agencies, including the Thruway Authority, Peace Bridge Authority, and others, as well as municipal and community groups, took place throughout the Project.

#### **1.2.4. Public Hearing**

Following circulation of the DEIS, a public hearing will be held to gather official comments on the document. The document will be available for review 30 days prior to the hearing, and the public comment period will be open for an appropriate period of time following the hearing (assumed to be 45 days after publication of a Notice of Availability [NOA] in the *Federal Register*). The comments received during the public hearing and official comment period will be addressed in the FEIS. In addition to being announced in the NOA, the public hearing will be announced in local newspapers and media.

The public hearing on the DEIS is scheduled for December 18, 2013, at the Connecticut Street Armory. The hearing will feature informational displays as well as a formal presentation, followed by an opportunity to comment orally as well as in writing.

**Table 1** below lists all agency, stakeholders and public meetings held or to be held on the Project.

**Table 1  
Agency, Stakeholders and Public Meetings**

<b>Agency / Organization</b>	<b>Meeting Date</b>
Conference Call with Agencies— Advisory Council on Historic Preservation (ACHP) United States Customs and Border Protection (USCBP) United States Environmental Protection Agency (EPA) United States General Services Administration (USGSA) Buffalo and Fort Erie Public Bridge Authority (PBA) New York State Department of Environmental Conservation (NYSDEC) OPRHP/SHPO New York State Department of State (NYSDOS) New York State Department of Health (NYSDOH)	May 21, 2013
EPA	June 3, 2013
City of Buffalo; Public Bridge Authority (PBA); New York State Thruway Authority (NYSTA)	June 11, 2013
Met with elected officials prior to Scoping Meeting	June 11, 2013
Public Scoping Meeting	June 11, 2013
Public Outreach Meeting at the Belle Center	July 2, 2013
Olmsted Conservancy	July 3, 2013
USCBP, GSA, PBA	July 10, 2013
D'Youville College	July 10, 2013





Agency / Organization	Meeting Date
NYSTA	July 10, 2013
Clean Air Coalition	July 10, 2013
CSX Railroad	July 11, 2013
City of Buffalo	July 11, 2013
Section 106 Consulting Parties	July 31, 2013
Agency Conference Call— ACHP, USCBP, EPA, USGSA, PBA, NYSDEC, OPRHP/SHPO, NYSDOS, NYSDOH	July 31, 2013
NYSDOT – Real Estate	July 31, 2013
NYSDEC, NYSDOH	August 8, 2013
Agency Conference Call— ACHP, USCBP, EPA, USGSA, PBA, NYSDEC, OPRHP/SHPO, NYSDOS, NYSDOH	September 4, 2013
City of Buffalo	September 24, 2013
Buffalo Niagara Partnership	September 24, 2013
Clean Air Coalition	September 24, 2013
Local Residents Niagara Gateway Columbus Park Association	September 24, 2013
Agency Conference Call— ACHP, USCBP, EPA, USGSA, PBA, NYSDEC, OPRHP/SHPO, NYSDOS, NYSDOH	October 2, 2013
Public Information Meeting	October 15, 2013
Agency Conference Call— ACHP, USCBP, EPA, USGSA, PBA, NYSDEC, OPRHP/SHPO, NYSDOS, NYSDOH	November 6, 2013
City of Buffalo	November 6, 2013
NYS Motor Truck Association	November 7, 2013
Agency Conference Call— ACHP, USCBP, EPA, USGSA, PBA, NYSDEC, OPRHP/SHPO, NYSDOS, NYSDOH	December 4, 2013
Public Hearing	December 18, 2013

### 1.2.5. Other Public Involvement Tools

In addition to the meetings described above, other public involvement elements include:

- **Coordination Plan** – A coordination plan conforming to the requirements of the National Environmental Policy Act (NEPA) has been prepared. The lead federal agency (the Federal Highway Administration [FHWA]) and the state joint lead agency, the New York State Department of Transportation (NYSDOT), prepared the coordination plan to describe the process and communication methods they will follow to disseminate information about the NY Gateway Connections Project, as well as to solicit and consider input from the public and other agencies. The coordination plan was posted on the Project website.







- **Project website.** A Project website, [www.dot.ny.gov/nygateway](http://www.dot.ny.gov/nygateway), was created so that the public can learn about the Project and read Project-related documents and materials, which are posted as they become available. The site has been updated regularly and includes announcements of Project meetings as well as a Contact Us feature that allows the public to write to the team directly and submit comments to NYSDOT via e-mail.
- **Mailing list.** The Project mailing list includes contact information for elected officials, public agencies, stakeholder and community groups, media, and individuals. Included within the list are organizations, media, and individuals that have relevance and connections with environmental justice and Limited English Proficiency (LEP) communities in the study area. The mailing list is used to distribute meeting announcements and information about the Project and is updated continually.
- **Informational materials** have been produced at key points during the Project development process. Content has included written information on the Project as well as visuals (photos, maps, and charts) and contact information. Presentations, meeting handouts, and other materials will continue to be developed as appropriate to keep the public fully informed about Project developments. Comment sheets have been, and will continue to be made available at public meetings to encourage public input.
- A **sign language interpreter** was present at the public scoping meeting, the public information meeting, and will be present at the public hearing. Contact information from the Project team will be provided in all public notices and announcements of upcoming meetings so that assistance may be requested in advance.
- A **Spanish-language translator** and other Spanish-speaking staff were present at the scoping meeting, at the public information meeting, and also will be present at the public hearing, as needed.
- **Media contacts.** When appropriate, a media outreach effort has been and will continue to be conducted. This has involved contacting the media when there are new Project developments to communicate, as well as issuing press releases at major milestones. This effort has included newspapers serving low-income and minority as well as LEP communities.
- **Repositories.** Local repositories in the Project Area will enable members of the public to examine Project documents, including EIS documents, and other informational materials. The repositories include the Buffalo and Erie County Public Library's Niagara Branch and Central (downtown Buffalo) Library.

### 1.3. Section 106 Outreach

Section 106 of the National Historic Preservation Act (36 CFR Part 800) requires Federal agencies to take into account the effects of their undertakings on historic properties that are listed or meet the eligibility criteria for listing in the National Register of Historic Places.

As part of this effort, "Consulting Parties" are being identified and invited to participate in the Project. The Consulting Parties have had an opportunity to comment on the identification and evaluation of historic properties, as well as provide their views on effects to these properties and proposed strategies to avoid,





minimize, or mitigate adverse effects. Information presented to the Consulting Parties has included, or will include the Area of Potential Effect (APE), the results of the historical and archaeological studies, as well as any impacts to potentially historic resources.

Forms to request Consulting Party status, in English and Spanish, and additional information about the Section 106 process were available at the scoping meeting, and a public notice appeared in local newspapers, including a Spanish-language newspaper. A Section 106 Consulting Parties meeting was held on July 30, 2013.

#### **1.4. Limited English Proficiency (LEP) Stakeholders**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or LEP. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964 and the Title VI regulations prohibiting discrimination based on national origin, and Executive Order 13166. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," was signed on August 11, 2000, and states that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities.

The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

The first step in providing meaningful access is to determine the languages spoken in the Project Area in order to plan the outreach effort. Based on demographic data, the primary language other than English spoken in the potential impacts study area, the Lower West Side of Buffalo, is Spanish.

Newspaper notices have been and will continue to be translated into Spanish, and translation services were available at the scoping meeting and will be available at the public hearing, as appropriate. Other outreach possibilities include the distribution of fliers (e.g., to notify those with LEP of public meetings) at religious institutions and cultural centers as well as other centers. Prior to the Project meetings, for example, copies of the meeting notifications, in English and Spanish, were distributed to such organizations and meeting places, including but not limited to PUSH Buffalo, Hispanics United of Buffalo, West Side Community Services, Primera Iglesia Metodista Unida de Buffalo, Grupo Ministerial, Inc., Holy Cross, R.C. Church, Councilmember Darius Pridgen, Councilmember David Rivera, Panorama Hispana, Belle Center, Heart of the City Neighborhood, Buffalo First!, Jericho Road Ministries, International Institute of Buffalo, Niagara Branch of the Public Library, and the TOPS Supermarket. Project materials and meeting notifications continue to be distributed to these centers to help inform the public about the Project and encourage public participation.

#### **1.5. Environmental Justice Outreach**

Efforts have been made to compile a list of local environmental justice groups, and Project materials have been distributed to key groups and meeting places to encourage participation. Materials include meeting notifications (in English and Spanish) as well as the Notice of Intent (NOI), and materials from meetings such as the scoping and public information meetings. Public meetings were advertised in publications that





reach out to members of the target groups, including Spanish-language newspapers. Spanish translation services were available at the scoping meeting and at the public information meeting, and will be available at the public hearing. Key materials, such as display boards, handouts, and other information, were translated into Spanish when appropriate.

## 1.6. Americans with Disabilities Act

Public meetings were held in locations that comply with the Americans with Disabilities Act (ADA) in order to assure that stakeholders who are disabled or elderly may have convenient access to meetings.

Sign language interpreters were available at the scoping meeting and the public information meeting and will be available at the public hearing.

## 1.7. Agency Outreach

According to Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR 1508.5), a "cooperating agency" means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed Project or Project alternative. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American tribe may, by agreement with the lead agencies, also become a cooperating agency. CEQ also states (40 CFR 1501.6) that an agency may request that the lead agency designate it as a cooperating agency.

"Participating agencies" are those with an interest in the Project. The standard for participating agency status is more encompassing than the standard for cooperating agency status described above. Therefore, cooperating agencies are, by definition, participating agencies, but not all participating agencies are cooperating agencies. The lead agencies will consider the distinctions in deciding whether to invite an agency to serve as a cooperating/participating agency or only as a participating agency.

The roles and responsibilities of cooperating and participating agencies are similar, but cooperating agencies have a higher degree of authority, responsibility, and involvement in the environmental review process. A cooperating agency with jurisdiction may adopt without re-circulating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied. This provision is particularly important to permitting agencies that, as cooperating agencies, may adopt USDOT environmental documents.

**Table 2**, below, lists the agencies that are participating in the Project, along with the reason for their requested involvement and particular responsibilities. The table also identifies which of these agencies were invited to serve as a Section 106 Consulting Party.





**Table 2**  
**List of Cooperating and Participating Agencies**

<b>Agency</b>	<b>Role</b>	<b>Responsibilities</b>
Advisory Council on Historic Preservation ( <i>Section 106 Consulting Party</i> )	Cooperating Agency (Invited)	Responsible for Section 106 review pursuant to National Historic Preservation Act
US Environmental Protection Agency (EPA)	Cooperating Agency (Invited)	Responsible for administering Section 309 of the Clean Air Act
New York State Office of Parks, Recreation and Historic Preservation—State Historic Preservation Officer (SHPO) ( <i>Section 106 Consulting Party</i> )	Cooperating Agency (Invited)	Responsible for Section 106 review pursuant to National Historic Preservation Act
New York State Department of State	Cooperating Agency (Invited)	Responsible for review pursuant to the Coastal Zone Management Act
New York State Department of Environmental Conservation (NYSDEC)	Cooperating Agency (Invited)	New York State environmental permits
Niagara River Greenway	Cooperating Agency (Invited)	
Buffalo Olmsted Conservancy	Participating Agency (Invited)	
City of Buffalo ( <i>Section 106 Consulting Party</i> )	Participating Agency (invited)	
New York State Thruway Authority (NYSTA) ( <i>Section 106 Consulting Party</i> )	Participating Agency (Invited)	Due to jurisdiction of I-190, provide access modification report for review
Buffalo and Fort Erie Public Bridge Authority (PBA)	Participating Agency (Invited)	
US General Services Administration (GSA)	Participating Agency (Invited)	Responsible for lease of land used by CBP and other Plaza operators
US Customs and Border Protection (CBP)	Participating Agency (Invited)	Responsible for the operations and security of the US Border Port of Entry/Peace Bridge Plaza
Erie County	Participating Agency (invited)	Jurisdiction of Shoreline Trail
New York State Department of Health/Center for Environmental Health	Participating Agency (invited)	
Greater Buffalo-Niagara Regional Transportation Council (GBNRTC)	Participating Agency (Invited)	Provide assistance on traffic modeling and future traffic Projections





## 1.8. Coordination Points and Anticipated Completion Dates

The environmental review process will include opportunities for agencies and the public to provide input. **Table 3** summarizes key coordination points and Project milestones. Anticipated completion dates are included for informational and resource planning purposes. Timeframes and review periods are established in accordance with 23 CFR 771, FHWA procedures for implementing NEPA, and NYSDOT policies and procedures, including existing agreements (i.e., review periods established in the NYSDOT/FHWA/SHPO Section 106 Agreement).

**Table 3**  
**Key Milestone Dates**

Coordination Point	Anticipated Completion Date
Notice of Intent Publication	May 6, 2013
Scoping Meeting	June 11, 2013
Section 106 Consulting Parties Meetings	July 30, 2013
Scoping Report Published	August 8, 2013
Public Information Meeting	October 15, 2013
Public Distribution of the DEIS	November 15, 2013
Public Hearing	December 18, 2013
End of NEPA DEIS comment period	January 2014
Notice of Availability of FEIS	February 2014
Public Notice of the ROD	March 2014

Abbreviations:

DEIS = Draft Environmental Impact Statement

FEIS = Final Environmental Impact Statement

ROD = Record of Decision





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